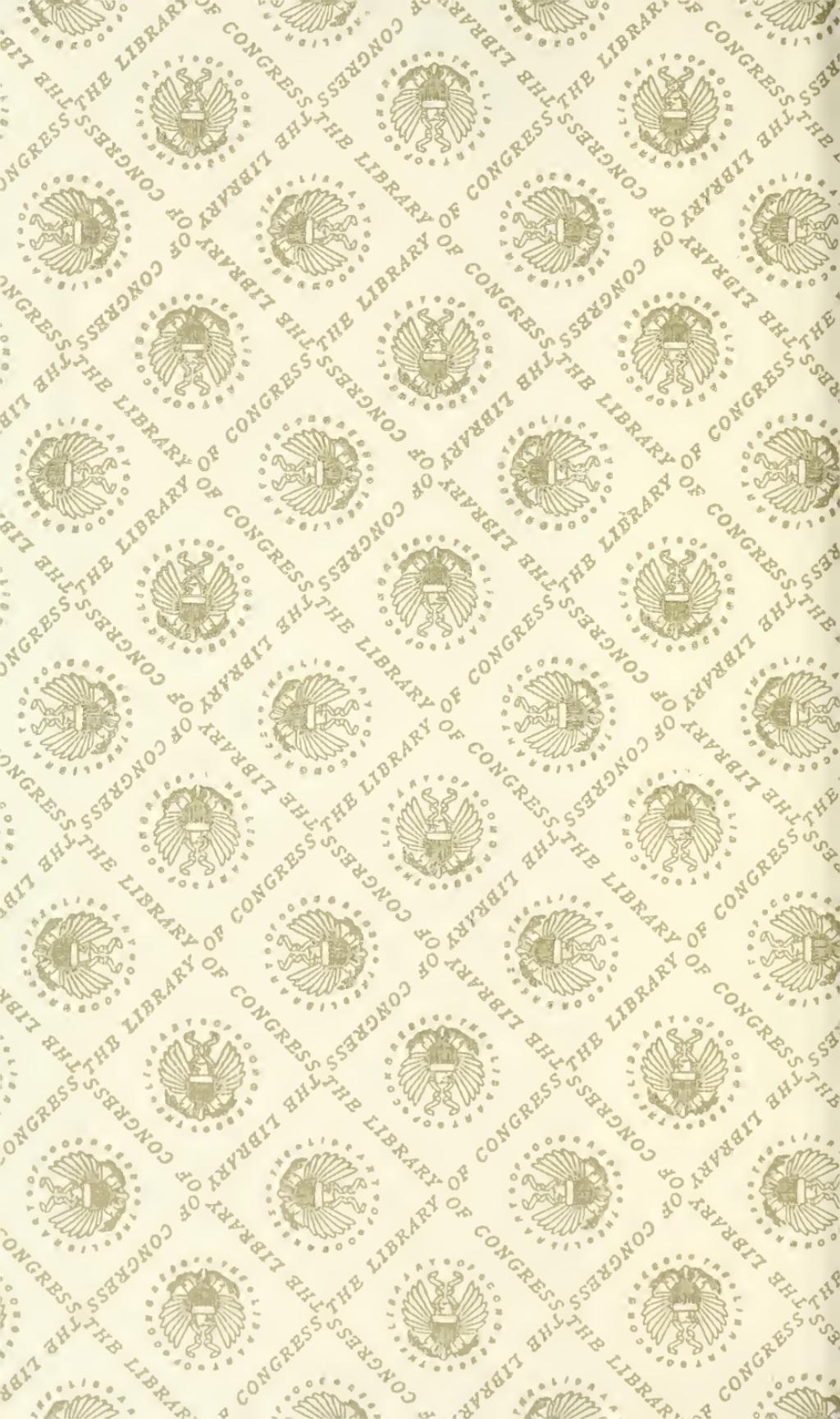


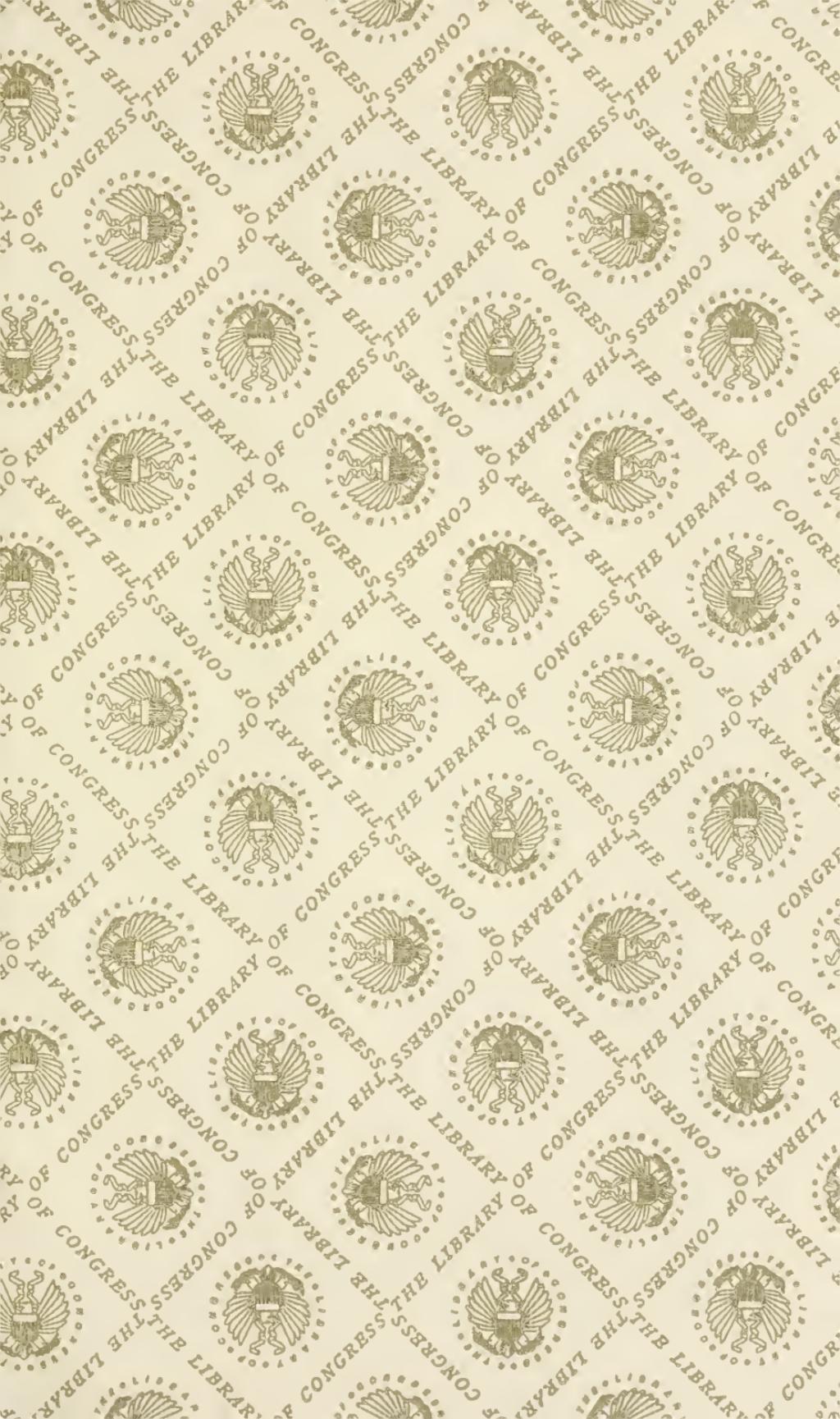
E 453
.B64

LIBRARY OF CONGRESS



00001734878





not in Bartlett

RESPONSE

OF

HON. GEORGE BLISS,

REPRESENTATIVE OF THE FOURTEENTH CONGRESSIONAL DISTRICT OF OHIO,

TO RESOLUTIONS OF THE LEGISLATURE OF OHIO, REQUESTING THE SENATORS
AND REPRESENTATIVES OF THAT STATE IN CONGRESS TO VOTE FOR
A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE
UNITED STATES TO ABOLISH SLAVERY.

134
To the Republican Senators and Representatives
of the General Assembly of Ohio:

GENTLEMEN: I have the honor to acknowledge the receipt of a communication from you, through the mediation of our Governor, in the form of a joint resolution, recently passed by your respective bodies, in which, after the recital of certain propositions, you resolve:

"That our Senators and Representatives in Congress be requested to use their influence and vote for the proposition now pending in Congress to amend the Constitution of the United States, so that neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction, and giving to Congress power to enforce such prohibition by appropriate legislation."

The grammatical solution of the last member of the sentence, "and giving power to Congress," &c., if it be capable of such solution, is entirely beyond my power of perception, and therefore any illustration which may have been intended by it is unavailable to me. If my moderate knowledge of our English could enable me to interpret the words, I would endeavor to give a just appreciation to the sense of the Legislature of my State. I can conceive of no "power" which you in your representative body, or we in ours, can give to Congress or any other agency to change the Constitution of the United States by any other method than the one provided by the terms of that instrument.

It is, perhaps, a good custom of the Legislatures of our States, when they justly assume to reflect the popular desire, to instruct their Senators and *request* their Representatives in Congress to support such legislative measures as the people, who are, at least in theory, the fountain of political power, demand; but it is only that truly reflected popular sense which gives authority to the instruction

or request. Neither the sober sense of the people of Ohio, nor of that portion of them whom I represent, has ever been declared in favor of the proposition which you ask us to support.

I cannot accede to your request to use any influence, if I have it, or "to vote for the proposition now pending in Congress to amend the Constitution of the United States." Many unanswerable reasons dissuade me from it. I was elected to the present Congress principally for the reason that a majority of the citizens of the fourteenth district believed me to be unalterably attached and faithful to the Constitution and the Union of States which was based upon it. The path to my seat was through a pledge to that primary obligation in a still more solemn form, an oath to support, maintain, and defend that Constitution. Being solicited to do what I believe would be a violation of that oath, I must rely upon my own sense and conscience, and not upon a majority of the Legislature of my State, to interpret the obligation. It is of increased importance now by reason of the peculiar exigencies of the times. Your official position places you under the same high obligation. We can none of us escape the criminality of violating our trust, if, by direct force, or by the assumption of legislative powers which are expressly and purposely withheld from us, we attempt to overthrow or change its provisions. As the supreme law of the realm, the Constitution, in its fifth article, provides the only method by which it can be lawfully changed. Your attention is invited to the words of that paramount provision, which seems to have been forgotten by many who are bound to its support:

"The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

To go through the form of framing and adopting the proposed amendment without regard to the foregoing requisitions would produce as little legal effect upon proprietary rights in the seceded States as would the resolution of a political convention in Ashtabula county. Therefore, I request you, if you can, to inform your representatives in Congress, before they shall be called upon in concurrence with or in rejection of your judgment, to give their votes, by what power or authority, under the existing state of facts relating to our political condition, and under the provisions of the fifth article, the Constitution can be amended as proposed. The question is not how it may be violated or spurned—the secessionists have sufficiently shown us that.

We all know that eleven States are not represented in the present Congress, and are not in a condition to give their consent or dissent to the proposition. The adhering States are less than three-fourths

of thirty-four; therefore, until the Union shall be restored, or enough of the recusant States shall return to make three-fourths of the whole number, the Constitution cannot be amended by the assent of legislatures or conventions of the people of the requisite number of States.

What say you, then, is the process by which you demand that before a restoration of the Union, or of States sufficient to constitute three-fourths of the whole confederation, the Constitution shall be amended? Do you say that the States whose people, in part, are in rebellion against the General Government, in legal theory and in fact are out of the Union, as they claim to be? Do you claim that the rebellious States are foreign powers and their inhabitants foreign people, and not subject to the Constitution and laws of the United States, and that therefore the Constitution can be amended without their concurrence, and afterwards enforced upon them in its new form? Every one of you has committed himself to a contrary doctrine a thousand times. All our proceedings and declarations since the commencement of the rebellion have asserted the legal integrity of the Union. We have waged war upon the Southern people, and continue to send against them our armies, by the sword, the bayonet, and the cannon, to enforce upon them subjugation and obedience to the Constitution and laws—to *their* and *our* Constitution and laws. That the people of the seceded States are regarded as citizens of the Government of the United States is proved conclusively by the fact that under an act of Congress passed since the secession, the federal courts are confiscating the estates of rebels for acts of treason against their Government. You know that treason necessarily implies citizenship, and that it cannot be committed by an alien enemy. To assume such doctrine is to make inapplicable to the character of the Southern people the names insurgent and rebel. It is in effect to abandon or deny the essential claim of every executive declaration, proclamation, and manifesto, and all the recognitions of the administration party from the first act of secession down to the present time. It is to acknowledge the power of secession, and to declare the existing war, on our part, to be one of aggression. All parties in the present federal States have agreed that ordinances of secession are null and void, and that the sovereignty of the Constitution was bindingly fixed upon all the people of the realm. To enforce this universal idea of the subsisting unity in law of all the States, the Union-loving people, without respect to party, have responded to all the calls of the military administration, and allowed their blood to be poured out on many battle-fields, and a public debt which for many years, with its crushing weight, must task the ability of the nation, to be fixed upon them and their posterity. "Crush out the rebellion—restore the Union," were the battle-cries on every field. Has a great predominating party, holding, for the present, such tremendous issues in its hands, and have you, gentlemen, as the representatives of that party, determined to change your front on this vital question? If so, you cannot reasonably expect your conservative representatives in Congress to follow your example. Is the war hereafter to have no

object but conquest and extermination? A "second sober thought" is often needful; but now, a *first* sober and rational thought seems to be in danger of supersedence. We should still insist that the rebels return to their allegiance, and that the rebel States return to their proper position in the Union, and not attempt to change, by any unauthorized or revolutionary process, the Government to which we claim their subjugation, and thus give them an apology for resistance. While we carry on a bloody war professedly against aggression, let us not show to the world that our purpose is aggressive.

It is clear to a perceptive mind that the Union might be restored upon its original basis, and our once great and powerful, but now divided and distracted country reunited by a simple honest declaration of the Northern people, through the ballot box, in favor of a return to a strictly constitutional administration of the Government. Let such declaration be made in the proper authoritative way, and the States and people will re-cohere by natural and habitual proclivity.

But so long as that policy shall be refused, they will be kept in severance. Upon no narrow, selfish, or sectional plan, can the symbolic stars of the republic be re-constellated upon our flag. These considerations press with great force upon the minds of a large majority of your representatives in Congress, and they regret and wonder that you do not perceive and regard them in the same light.

At the present time the indications are much stronger than they have heretofore been of an inclination on the part of the Confederate people to abandon their project of a separate government, and to restore their respective States to the Union upon the principles of the original confederation. I hold that such desire on their part ought to be encouraged by us. But any one not politically blind can see that to strike down without their concurrence their present State rights would be certain to incite them to continued resistance and to foreclose all hope of restoration or peace. No more unpropitious time for such a blow against the national hope could possibly have been selected, nor could a more injurious blow be given. The chain of policy of which this is a link, demonstrates that the Republican party is utterly averse to a restoration of the Union.

You have undertaken, in that peculiar part of your legislative composition called preamble, to define and declare the facts and principles upon which you require fourteen representatives from Ohio to sacrifice their opinions and convictions to yours. It seems proper, therefore, that the propositions so laid down by you should receive sufficient consideration to enable us to determine whether they are logical and true, or sophistical and false. Among those propositions are some which have always been taken as axioms; but they are mixed and confounded with others which are so manifestly false as to stand in clear repugnance to all our national history. In fact, I regard it as one of the most comprehensive tissues of falsehood ever penned.

You say, among other things, that slavery is "a disturber of the Union and domestic tranquillity, a hindrance to the common defence, a spoiler of the public liberties, has inaugurated civil war, and

is the cause of our national calamities." That is a pompous declaration, but subject to the objection that there is no truth in it. Your Democratic representatives in Congress have marked well the history and incidents and effects of the anti-slavery controversy, and each one of them is a living, competent witness, who well knows that slavery in the States was not, of its inherent qualities, a disturber of the Union, nor of domestic tranquillity, nor a hindrance to the common defence, nor a spoiler of the public liberties, nor did it inaugurate civil war, nor is it the cause of our national calamities; but that it was wickedly seized upon as an instrument in the hands of fanatics and selfish politicians to secure the partisan object of all dissenters to democratic principles, in the predominance of a political organization which it was seen must ever be powerless until it could successfully assail the vital principles of the Government and the compacts of the Union. In the steady pertinacity with which this baleful instrument was used, continuous and unremitting opposition, in all effective ways, to the original, reserved, and constitution guaranteed rights of the Southern people, became the fixed policy of the anti-slavery party, which finally predominated, and still holds sway in the non-slaveholding States.

It is useless at this point of time and of our calamities to inquire whether any other cause could possibly have provoked the crimes of secession and rebellion. "Sufficient unto the day is the evil thereof," whose malign efficiency was foreseen and contemplated with dread and apprehension by our best and wisest statesmen, some of whom died uttering rational but vain expostulations to their countrymen against their sectional policy. In view of these considerations, I deny, with the support of all our previous history and experience, that the institution of slavery, as established by law in the States, is the cause of our national calamities; but aver that unlawful aggressions upon it have caused all the evils recited in your resolution.

When we contemplate the enormous evils which have befallen our country through misguided policy in reference to a local institution, however willing we may be to admit the abstraction that slavery is in itself a moral wrong, the institution of which anywhere or at any time is to be regretted, yet, as in our country it is a matter of local right and State concernment and forced upon no man, and entirely beyond the jurisdiction of the General Government, we cannot but believe with the most perfect conviction that it would have been and would hereafter be much better to leave the subject in the hands of those to whom it lawfully belongs, than to expend upon its arbitrament the blood and the resources of the nation. If conciliation and just policy, and, I will add, generous policy, can restore Union, peace, and prosperity, as we have the best of reasons to believe, why shall they not be adopted. If the attempt to compel a universal emancipation can only succeed by the continual employment of immense armies at the expense of much of the blood and all the resources of our people, as many good and intelligent citizens believe, what benefit can result to balance the expense? What evil or danger can

you remove at such great expense? None, as all can see who reason well. Your assumptions and predicates upon them are about as reasonable as it would be to say that the fruit of Eden was the cause of the fall of man, and therefore all fruit trees should be exterminated; that slavery was the cause of the raid and assassinations by John Brown at Harper's Ferry, and therefore slavery must be exterminated to prevent murder. It would be better to come openly to the point, and say that a free Government like ours, with coequality of citizen rights and privileges, and paramount sovereignty of local matters in the States is too pure and feeble to survive the assaults of combined fanaticism and selfish bigotry, and, therefore, "let the Union slide." The knife is a useful and innocent instrument, but in the hands of an assassin it may be employed to perpetrate much evil. We do not propose on that account, however, to rid the world of that instrument. In using it to stab others you have wounded yourselves. Slavery in the States would never have injured you had you obeyed the laws and let it alone. What do the thinking men of the North, East, and West propose to do with from three to four millions of helpless and homeless negroes when, if as intended, they shall all be suddenly emancipated? Are they to be invited or compelled to the free States? Are our people to give themselves up to the ridiculous folly of an attempt to enfranchise them with political equality? Will they attempt to carry out the abolition theory of elevating or miscegenating the negro race to a social equality with white men and women? If there is any reasonable or practicable solution within any one's imagination of this problem, it should be given to the country. We are told by those who say that slavery is the cause of the war, that when slavery shall be abolished the war shall be ended. In that event, of course, the hosts of our gallant soldiers who are now employed in our vast armies will return to their places of residence and to their peaceful vocations of labor. The masses of the people of the free States are habituated to laborious industry, and in the hoped for event of peace, will constitute a force sufficient for all the agricultural and mechanical labor of the free States. If it should be taken out of their hands by emancipated negroes they would enjoy but a poor return for toils, wounds, and perils, in the services of their country. As one opposed to instituting slavery over negroes, or any other human beings who are free, I should somewhat fear to trust the virtue of our anti-slavery people with so delicate a question, to be disposed of under such peculiar circumstances. I fear that in the next generation, if not in this, the Southern way of providing for them would be adopted as a measure of *policy* and *humanity*. There is no room for the negroes of the South among us. There is no room, no support, no happiness for them anywhere within our borders except in the places which they now occupy. Thus we see, in our own probable condition and in the condition reserved for these houseless and homeless and starving hosts which, in the grand emancipation hegira, will be thrown upon our borders, one of the bitter consequences of the policy which you propose.

I deprecate human slavery, and the higher the order and character of the man upon whom its shackles are imposed, the more I abhor it. You have, in your resolution, used to define it the familiar words of the celebrated prohibitory ordinance of 1787. Within the scope of that definition, any one is included whose personal liberty is wrested from him by tyrannous and unauthorized force. It denies the right of arbitrary imprisonment and all interference with human liberty, "except as a punishment for crime, of which the party shall have been duly convicted." This lawful immunity from personal restraint, except in subjection to the process of an offended law, is peculiarly the privilege of a citizen of the United States, and is guaranteed to him by the clear provisions of the Constitution. Undoubtedly, to assume control over the person and liberty of a citizen without charge of crime or process of law, and subject him to imprisonment or other restraint of liberty, is to create a case within the limits of your definition of slavery. And yet how many misguided men, in the midst of their professions of intense love and regard for the liberty of the negro, have approved and rejoiced in such deprivation of the liberty of their white fellow-citizens, for no other offence than an honest political opinion in conflict with the policy of a temporarily predominating party. Negro slavery is local in the States, and regulated by law; but the abridgement of the liberty of white citizens is limited to no place. When all these matters shall have been dispassionately and justly considered, it will be seen who has the highest regard for human liberty.

In closing these remarks, the argumentative substance of which I have already expressed in the House, I venture to predict that the proposition pending in the House of Representatives cannot be passed according to the requisition of the Constitution, because, in order to its passage, two-thirds of all the members who make up that body are required to vote in the affirmative. The language of the Constitution is clear upon this point. "Congress, whenever *two-thirds of both Houses* shall deem it necessary, shall propose amendments to this Constitution," &c. Not two-thirds of a mere quorum of the House, competent to transact ordinary legislation, but less than two-thirds of the House, can adopt this special provision and make it law. And should the contrary be assumed, and the passage of the resolution upon a less vote declared, in the absence of members on either side of the question, the country will know that the action is null and void.

Very respectfully,

GEO. BLISS.

WASHINGTON, Jan. 28, 1865.

NOTE.—Since the above remarks were written, the proposition has been put to vote in the House, and, owing to the absence, from sickness and other causes, of several members who, if present, would have voted against it, has been declared to be carried by a vote of one hundred and nine'een in the affirmative, to fifty-six in the negative. One hundred and eighty-three members composed the House, two-thirds of whom are one hundred and twenty-six. So two-thirds of the House did not concur in its passage.

GEO. BLISS.

